

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB-6 (Sub-No. 478X)

December 15, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

The Office of Environmental Analysis (OEA) served an EA for this proceeding on November 25, 2011 for public review and comment. In the EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

During the EA comment period, OEA received comments from the State Historical Society of North Dakota (State Historic Preservation Office or SHPO) and the U.S. Fish and Wildlife Service (USFWS) (see attached).

In the SHPO's November 28, 2011 comment letter (ND SPHO Ref.: 11-2496), it concurs with OEA's EA conclusion that the proposed abandonment would not affect historic properties in or eligible for inclusion in the National Register of Historic Places.

In the USFWS's November 11, 2011 comments, the USFWS restates its previous conclusions that the proposed abandonment would have no significant impact on fish and wildlife resources, and that no endangered or threatened species are known to occupy the project area and/or would not likely be adversely affected by the proposed abandonment.

Modifications to the EA

The conclusions and two recommended environmental conditions in the EA remain unchanged as a result of the comments received.

Conclusions

The EA comment period has ended. OEA recommends that the following conditions previously recommended in the EA be imposed upon any decision granting abandonment authority:

1. BNSF Railway Company shall consult with the North Dakota Department of Health, Division of Water Quality prior to beginning salvage activities to identify any permitting requirements under Section 402 of the Clean Water Act (33 U.S.C. § 1342).
2. BNSF Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station marker.

If the above conditions are imposed, OEA believes that the proposed action would not significantly affect the quality of the human environment.

Attachments: SHPO and USFWS comments

OEA CONTACT: Dave Navecky
202-245-0294
naveckyd@stb.dot.gov

Distribution: Andrea Pope-Matheson, Office of Proceedings
OEA Chron
ECT
SHPO

Surface Transportation Board

Incoming Correspondence Record

#EI-18746

Correspondence Information

Docket #:	AB 6 478 X	Date Received:	11/28/2011
Name of Sender:	Susan Quinnell	Date of Letter:	11/28/2011
Group:	ND SHPO		

Submitter's Comments

November 28, 2011

Mr Dave Navecky
Surface Transportation Board
Washington DC 20423

ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X) BNSF Railway Company Abandonment Exemption Hunter to Arthur, MP 75.50 to 68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and T142N R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota

Dear Mr. Navecky,

We reviewed ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X) BNSF Railway Company Abandonment Exemption Hunter to Arthur, MP 75.50 to 68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and T142N R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota. WE concur with your "No Historic Properties Affected" determination along this segment.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell at (701) 328-3576, or squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)
and
Director, State Historical Society of North Dakota

Image Attachment(s)

[11-2496 NHPA Hunter to Arthur.docx](#)



[11-2496 NHPA Hunter to Arthur.docx](#)

Jack Dalrymple
Governor of North Dakota

**North Dakota
State Historical Board**

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Valley City - President

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New Town - Vice President

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Jamestown - Secretary

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Mark Zimmerman
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Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association
of Museums since 1986*

November 28, 2011

Mr. Dave Navecky
Surface Transportation Board
Washington DC 20423

**ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X) BNSF
Railway Company Abandonment Exemption Hunter to Arthur, MP 75.50 to
68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and T142N
R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota**

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BNSF Railway Company Abandonment Exemption Hunter to Arthur, MP
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T142N R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota. WE
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segment.

Thank you for the opportunity to review this project. Please include the ND
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project. If you have any questions please contact Susan Quinnell at (701) 328-
3576, or squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)
and
Director, State Historical Society of North Dakota



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431357

November 29, 2011

Karl Morell
Of Counsel
kmorell@balljanik.com

E-FILED

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

FILED
U.S. DEPT. OF JUSTICE
OFFICE OF THE CLERK
PARTIAL
PUBLIC RECORD

Re: STB Docket No. AB-6 (Sub-No. 478X), BNSF Railway
Company -- Abandonment Exemption -- In Cass County,
North Dakota

Dear Ms. Brown:

On October 11, 2011, BNSF Railway Company filed, with the
Surface Transportation Board, the Environmental and Historic
Reports in the above-referenced proceeding.

Attached please find the additional response we received from the
U.S. Fish and Wildlife Service.

Sincerely,

Karl Morell
Of Counsel

Enclosure



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October 11, 2011

Karl Morell
Of Counsel
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Mr. Jeffrey K. Towner
U.S. Fish and Wildlife Service
Mountain-Prairie Region
134 Union Blvd.
Lakewood, CO 80228

**Re: STB Docket No. AB-6 (Sub-No. 478X) - BNSF Railway Company -
Abandonment Exemption - in Cass County, North Dakota**

Dear Mr. Towner:

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 7.40 miles of rail line located in Cass County, North Dakota, between Milepost 68.10 in Arthur and the end of the line at Milepost 75.50 in Hunter. The line traverses United States Postal ZIP Codes 58006 and 58048. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact John Sims at 202-638-3376 or john.sims@bnsf.com or me at 202-638-3307 or kmorell@balljanik.com.

Sincerely,

Karl Morell
Of Counsel

KM:mjl
Enclosure

Portland, Oregon

Bend, Oregon

U.S. FISH AND WILDLIFE SERVICE ECOLOGICAL SERVICES ND FIELD OFFICE	
Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area and/or are not likely to be adversely affected. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.	
 Jeffrey K. Towner Field Supervisor	 Jeffrey K. Towner Field Supervisor